

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 10- 1652
Civil Action No. _____

ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY
AND ALLSTATE NEW JERSEY
INSURANCE COMPANY,

Plaintiffs,

vs.

DANIEL LEVY A/K/A DIMA, ALEX
LEVY A/K/A SASHA, HOI YAT KAM,
M.D., SALVATORE LENTINI, D.C.,
YAN YAN YU A/K/A ANGELA,
HAROUTYOUN TIKRANIAN, D.C., LAI
FAN XUE, A/K/A LISA, CHENG HE SU,
ALEKSANDRA GASHINSKAYA, M.D.,
BRONX SHERIDAN MEDICAL, P.C.,
NEW LITE BRONX MEDICAL, P.C.,
COMFORT CHIROPRACTIC, P.C.,
ALIGN CHIROPRACTIC CARE, P.C., QI
BAO ACUPUNCTURE, P.C., TAI JI
ACUPUNCTURE, P.C., DESMOND
CONNELL, ESQ., MARY JIMENEZ,
LLOYD MODESTO, RONALD
SCHWARTZ, DAN MADRID, BEST
STAR ADVERTISEMENT CORP., PRO-
TWO MANAGEMENT CORP., AND
UNITED MEDICAL BILLING &
COLLECTION CORP.,

Defendants.

ORDER TO SHOW CAUSE
FOR AN ORDER OF
PREJUDGMENT
ATTACHMENT

BLOCK, J.

POHORELSKY, M.J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 16 2010 ★
BROOKLYN OFFICE

Upon reading and filing the accompanying Declaration of Jasmine G. Vieux,
Motion and Memorandum in Support of Plaintiffs' Motion for Prejudgment Attachment,
Affidavits of Richard Smith and Michael Bruno (with exhibits annexed thereto), and

Complaint (with exhibits annexed thereto), setting forth all relevant facts required by law, from which it is alleged that:

1. The defendants, Daniel Levy, Alex Levy, Hoi Yat Kam, M.D. (“Kam”), Salvatore Lentini, D.C. (“Lentini”), Haroutyoun Tikranian, D.C. (“Tikranian”), Yan Yan Yu (“Yu”), Cheng He Su (“Su”), Aleksandra Gashinskaya, M.D. (“Gashinskaya”), Lai Fan Xue (“Xue”), Desmond Connell, Esq., (“Connell”), Mary Jiminez (“Jiminez”), Lloyd Modesto (“Modesto”), Ronald Schwartz (“Schwartz”), Daniel Madrid (“Madrid”), Bronx Sheridan Medical, P.C. (“Bronx Sheridan”), New Lite Bronx Medical, P.C. (“New Lite”), Comfort Chiropractic, P.C. (“Comfort”), Align Chiropractic Care, P.C. (“Align”), Qi Bao Acupuncture, P.C. (“Qi Bao”), Tai Ji Acupuncture, P.C. (“Tai Ji”), Best Star Advertisement Corp. (“Best Star”), Pro-Two Management Corp. (“Pro Two”), and United Medical Billing & Collection Corp. (“United Medical”) (collectively “defendants”), defrauded Allstate of hundreds of thousands of dollars over the course of many years by creating fictitious medical facilities that held themselves out to Allstate as legitimately incorporated medical entities under New York law.
2. To circumvent New York law and to induce the Department of Education to issue a certificate of authority authorizing Defendant Bronx Sheridan to be organized as a medical professional service corporation, Daniel Levy conspired with Kam to falsely represent that Kam was the sole shareholder, director and officer of Bronx Sheridan.

3. To circumvent New York law and to induce the Department of Education to issue a certificate of authority authorizing Defendant New Lite to be organized as a medical professional service corporation, Daniel Levy and Alex Levy conspired with Kam to falsely represent that Kam was the sole shareholder, director and officer of New Lite.
4. To circumvent New York law and to induce the Department of Education to issue a certificate of authority authorizing Tai Ji to be organized as a medical professional service corporation, Daniel Levy conspired with Yu to falsely represent that Yu was the sole shareholder, director and officer of Tai Ji.
5. To circumvent New York law and to induce the Department of Education to issue a certificate of authority authorizing Defendant Align to be organized as a medical professional service corporation, Daniel Levy conspired with Lentini to falsely represent that Lentini was the sole shareholder, director and officer of Align.
6. To circumvent New York law and to induce the Department of Education to issue a certificate of authority authorizing Defendant Qi Bao to be organized as a medical professional service corporation, Daniel Levy conspired with Su to falsely represent that Su was the sole shareholder, director and officer of Qi Bao.
7. To circumvent New York law and to induce the Department of Education to issue a certificate of authority authorizing Defendant Comfort to be organized as a medical professional service corporation, Daniel Levy conspired with

Tikranian to falsely represent that Tikranian was the sole shareholder, director and officer of Comfort.

8. In furtherance of their scheme to defraud, defendants created, prepared and submitted false medical documentation and intentionally violated the laws of the United States by, devising and intending to devise schemes to defraud and obtain money and property by means of false and fraudulent pretenses in representations, and by placing or causing to be placed, in a post office and/or authorized depository for mail matter, things to be sent and delivered by the United States Postal Service, in violation of 18 U.S.C. §1341 (mail fraud) for the purpose of executing such fraudulent schemes and attempting to do so.
9. The defendants furthered their fraudulent activities through the laundering of monetary instruments in violation of 18 U.S.C. § 1956.
10. In reliance upon their representations, Allstate paid hundreds of thousands of dollars to these defendants.
11. By virtue of the facts asserted in the accompanying papers, plaintiffs have established a probability of success on the merits of their claims, including those brought under 18 U.S.C. § 1962(c), 18 U.S.C. § 1962(d), N.Y. Gen. Bus. Law § 349, common law fraud, and unjust enrichment.
12. The plaintiffs have established that defendants have secreted assets through a scheme of money laundering in violation of 18 U.S.C. § 1956 with the intent to (a) defraud plaintiffs, and (b) frustrate the enforcement of a judgment likely to be rendered in plaintiffs' favor through specific evidence that defendants secreted and dissipated the proceeds of their insurance fraud scheme.

13. The plaintiffs' damages exceed all counterclaims known to plaintiffs.

NOW, on motion of Smith & Brink, P.C., counsel for plaintiffs, it is:

ORDERED that the defendants, Daniel Levy, Alex Levy, Hoi Yat Kam, M.D., Salvatore Lentini, D.C., Haroutyoun Tikranian, D.C., Yan Yan Yu, Cheng He Su, Aleksandra Gashinskaya, M.D., Lai Fan Xue, Desmond Connell, Esq., Mary Jiminez, Lloyd Modesto, Ronald Schwartz, Daniel Madrid, Bronx Sheridan Medical, P.C., New Lite Bronx Medical, P.C., Comfort Chiropractic, P.C., Align Chiropractic Care, P.C., Qi Bao Acupuncture, P.C., Tai Ji Acupuncture, P.C., Best Star Advertisement Corp., Pro-Two Management Corp., and United Medical Billing & Collection Corp. (collectively "defendants"), or their attorneys, show cause before the Honorable Judge Block, at Courtroom 10C, United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11021, on the 23 day of April, 2010, at 12:30 PM in the P.m., or as soon thereafter as counsel can be heard, why an order, pursuant to Fed. R. Civ. P. 64 and New York Civil Practice Law & Rules ("CPLR") § 6212, should not be entered:

1. Granting plaintiffs an attachment order against any and all the real and personal property assets of defendants, Daniel Levy, Alex Levy, Hoi Yat Kam, M.D., Salvatore Lentini, D.C., Haroutyoun Tikranian, D.C., Yan Yan Yu, Cheng He Su, Aleksandra Gashinskaya, M.D., Lai Fan Xue, Desmond Connell, Esq., Mary Jiminez, Lloyd Modesto, Ronald Schwartz, Daniel Madrid, Bronx Sheridan Medical, P.C., New Lite Bronx Medical, P.C., Comfort Chiropractic, P.C., Align Chiropractic Care, P.C., Qi Bao Acupuncture, P.C., Tai Ji Acupuncture, P.C., Best Star Advertisement Corp., Pro-Two Management Corp., and United Medical Billing & Collection Corp., in the amount of

\$2,7500,000.00, including, without limitation, the following real properties located in New York:

A. Alex Levy

REAL PROPERTY	
9954 63 rd Ave Rego Park, NY	\$846,500
14764 77 th Ave Flushing, NY	\$446,000

B. Hoi Yat Kam

REAL PROPERTY	
67-45 Clyde St Queens, NY 11375	\$828,500
169-17 67 th Ave Fresh Meadows, NY 11365	\$649,500

C. Salvatore Lentini

REAL PROPERTY	
63 Hardscrabble Rd Chester, NY 10918	\$450,000

D. Yan Yan Yu

REAL PROPERTY	
5664B 184 th St Fresh Meadows, NY 11365	\$345,000

2. Granting an order garnishing the goods, credits and effects (including, by way of illustration and not limitation, checking accounts, savings accounts, joint accounts, individual retirement accounts, equity lines, trust accounts, and brokerage accounts) of the defendants in the possession or control of trustees up to the amount of \$2,750,000.00, including, but not limited to the following trustees:

JP Morgan Chase Bank
Citibank
Bank of America
Wachovia Bank
HSBC Bank
TD Bank
Washington Mutual Bank

3. Granting an order compelling the defendants to disclose any and all interest(s) he/she/it holds in any asset within the jurisdiction of this Court.
4. Granting an Order attaching/garnishing any and all monies in the possession of Bronx Sheridan Medical, P.C., New Lite Bronx Medical, P.C., Comfort Chiropractic, P.C., Align Chiropractic Care, P.C., Qi Bao Acupuncture, P.C., Tai Ji Acupuncture, P.C., Best Star Advertisement Corp., Pro-Two Management Corp., and United Medical Billing & Collection Corp., and/or their attorneys, arising from the collection of New York No-Fault medical

benefits due and owing to those entities from any and all insurers. Allstate has learned that the defendants continue to seek payment of bills/invoices from the following insurers for first-party medical benefits (i.e. New York No-Fault benefits):

- Allstate Insurance Company;
- GEICO General Insurance Company;
- Nationwide Mutual Insurance Company;
- Progressive Insurance Company;
- State Farm Insurance Company;
- Travelers Insurance Company;
- Auto One Insurance Company;
- American International Underwriters;
- Liberty Mutual Insurance Company;
- American Home Assurance Company;
- Metropolitan Property & Casualty Insurance Company;
- General Assurance Company;
- Utica Mutual Insurance Company;
- Peerless Insurance Company;
- Prudential Property & Casualty Insurance Company;
- New York Central Mutual Fire Insurance Company;
- American Transit Insurance Company;
- Progressive Northeastern Insurance Company;
- Hudson Insurance Company;
- Alea Insurance Company; and
- The Motor Vehicle Accident Indemnification Corporation (MVAIC).

AND it is further:

ORDERED, that service of a copy of this order, together with all papers and exhibits in support thereof, including the Summons and Complaint, shall be made by personal service upon defendants, Daniel Levy, Alex Levy, Hoi Yat Kam, M.D., Salvatore Lentini, D.C., Haroutyoun Tikranian, D.C., Yan Yan Yu, Cheng He Su, Aleksandra Gashinskaya, M.D., Lai Fan Xue, Desmond Connell, Esq., Mary Jiminez, Lloyd Modesto, Ronald Schwartz, Daniel Madrid, Bronx Sheridan Medical, P.C., New Lite Bronx Medical, P.C., Comfort Chiropractic, P.C., Align Chiropractic Care, P.C., Qi Bao Acupuncture, P.C., Tai Ji Acupuncture, P.C., Best Star Advertisement Corp., Pro-Two Management Corp., and United Medical Billing & Collection Corp., (except that service by overnight express mail be made upon any individual or entity if they cannot be personally served), on or before April 15, 2010, and such service shall be deemed good and sufficient service on said defendants of this order, all papers and exhibits thereof, and the Complaint; and it is further

ORDERED, that answering papers, if any, shall be filed and served personally upon Plaintiffs' counsel, Smith & Brink, P.C., at their offices at 1205 Franklin Avenue, Suite 260, Garden City, NY 11530, by 5 o'clock P.m. on or before the 19 day of April, 2010.

So ordered.

Dated: April 14, 2010


s/Frederic Block